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MICHAEL RODAK, JR., CLERK

No. 73-694

# In the Supreme Court of the United States

OCTOBER TERM, 1973

A. HENRY TAGER, PETITIONER

*v.*

UNITED STATES OF AMERICA

*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT*

## MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
*Solicitor General,*
*Department of Justice,*
*Washington, D.C. 20530.*

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**MEMORANDUM FOR THE UNITED STATES IN OPPOSITION**

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After a jury trial in the United States District Court for the District of Kansas, petitioner was convicted of conspiring to transport a stolen United States Treasury bill in interstate commerce; receiving the same treasury bill; and transporting that bill, in violation of 18 U.S.C. 371, 2314, and 2315.[1] He was sentenced to imprisonment for five years, three months of which was to be served, the balance suspended and petitioner placed on probation for five years. The court of appeals affirmed his conviction in a comprehensive opinion (Pet. App. A.).

[1] A co-defendant, Knoys, was also convicted; he did not appeal.

Petitioner contends (1) that he was improperly denied pre-trial examination of grand jury testimony, (2) that the evidence was insufficient to sustain his conviction, (3) that the government improperly called witnesses favorable to petitioner and impeached them, (4) that he was denied his right to a speedy trial by virtue of an eighteen month delay between the commission of the offense and the return of the indictment, and (5) that the government improperly granted immunity to the unindicted coconspirator in open court after the witness had claimed his Fifth Amendment privilege.

In addition to setting out the factual background on which petitioner's conviction rests, the opinion of the court below, upon which we rely, fully answers each of these claims (Pet. App. A.).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
*Solicitor General.*

JANUARY 1974.

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